

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Christopher W. Blackburn et al. Examiner: Vivek Krishnan
Serial No.: 10/796,553 Group Art Unit: 2145
Filed: March 8, 2004 Docket: 1842.026US1
Title: AUTHENTICATION SERVICE IN A SERVICE-ORIENTED GAMING
NETWORK ENVIRONMENT

PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 CFR 1.181

MS PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

A Notice of Abandonment mailed November 7, 2008 for the above-identified patent application was received by our office. The Notice states that Applicant failed to timely file a proper reply to the final Office Action mailed April 16, 2008 by the six-month response deadline of October 16, 2008. Pursuant to 37 CFR §1.181 and MPEP 711.03(c) II, Applicants respectfully request the withdrawal of holding of abandonment of the above-identified patent application.

A summary of key events as known to Applicants prior to the mailing of the Notice of Abandonment for the present application is as follows:

- 1.) On October 31, 2008, Applicants' representative Rodney L. Lacy received a telephone call from Examiner Vivek Krishnan inquiring about the status of the application. Applicants' representative searched electronic records in Applicants' representatives' case management system and informed the Examiner that the last activity in their records was a Supplemental Information Disclosure Statement mailed July 27, 2005 and received by the U.S. Patent and Trademark Office on July 27, 2005. Examiner Krishnan informed Applicants' representative that an Office Action was mailed on April 16, 2008. Applicants' representative informed Examiner Krishnan that no response had been filed to the Office Action because the Office Action had not been received by Applicant's representative.
- 2.) On November 10, 2008, Applicants' representatives Schwegman, Lundberg & Woessner, P.A. received a Notice of Abandonment having a mailing date

of November 7, 2008. Upon receiving the Notice of Abandonment, Applicants' representatives searched both the physical file jacket and electronic records and failed to find any evidence of receiving the Office Action mailed April 16, 2008.

3.) On November 12, 2008, Applicant's representatives', Schwegman, Lundberg & Woessner, P.A. accessed Private PAIR and downloaded a copy of the Office Action and entered the copy of the Office Action into the physical file and electronic records for the application. A copy of the electronic record showing that the Office Action was not added into Applicants' representatives' file until after receipt of the Notice of Abandonment is attached as Exhibit B. A copy of an instruction email asking Applicants' representatives' docketing service to upload the Office Action downloaded from PAIR is attached as Exhibit C.

SHOWING TO ESTABLISH NONRECEIPT OF ORIGINAL OFFICE ACTION

Searches of the file jacket and docket records for Applicants' Representatives, Schwegman, Lundberg & Woessner, P.A. indicate that the Office Action mailed April 16, 2008 was not received until after receiving the Notice of Abandonment mailed November 7, 2008.

A copy of the Schwegman, Lundberg & Woessner P.A. docket record showing all Office Actions received for the period between the date of mailing of the Office Action and the shortened statutory period for response (April 16, 2008 – July 16, 2008) is included as Exhibit A.

A copy of the Schwegman, Lundberg & Woessner P.A. electronic record for the application showing that the Office Action was received on November 13, 2008 and added on November 14, 2008 is included as Exhibit B. As noted above, the Office Action was received by downloading the Office Action from Private PAIR.

In support of Applicants' assertion that the Office Action was not received until after the Notice of Abandonment, Applicants note that neither the serial number of the present application, 10/796,553, nor the Attorney Docket Number 1842.026US1, appear on docket report

attached as Exhibit A and containing records of all Office Actions received between April 16, 2008 and July 16, 2008.

Accordingly, Applicants respectfully request withdrawal of the holding of abandonment based on Applicants' failure to receive the original Office Action. Applicants further request that the application be processed for allowance as soon as possible.

Conclusion

It is Applicant's understanding that no fee is required for a petition to withdraw a holding of abandonment; *see* MPEP 711.03(c), and therefore no fee is enclosed. However, if a fee is required, please charge it to Deposit Account No. 19-0743.

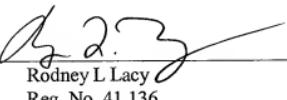
The Examiner is invited to telephone Applicant's attorney at 612-373-6954 to facilitate prosecution of this application.

Respectfully submitted,

SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
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Date January 7, 2009

By


Rodney L Lacy
Reg. No. 41,136

CERTIFICATE UNDER 37 CFR 1.8. The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 7 day of January 2009.

Zhakalazky M. Carrion

Name


Signature